

Amendment to SB 148

The purpose of the amendment is to offer agriculture, mining, smelting, refining, power generation, or any industrial, or manufacturing the exact same protection from being included in a new city that they now have for being annexed by an existing city.

Existing Montana laws 7-2-4303 and 7-2-4503 currently offer these types of facilities mentioned in the amendment from being annexed by existing cities and towns. Copies of the statues are attached for reference.

Questions: Is this amendment applicable statewide. The answer is yes, it would apply to a new incorporation of cities and towns just like the existing statute applies statewide.

What impact does this have to the county tax base? It prevents loss to any county tax base that currently has these facilities on its tax rolls.

Yellowstone County
3/24

Montana Code Annotated - 2007

[Previous Section](#) [MCA Contents](#) [Part Contents](#) [Search](#) [Help](#) [Next Section](#)

7-2-4303. Restrictions on annexation power. Except as provided in [7-2-4314\(1\)\(d\)](#), land used for industrial, railroad, or manufacturing purposes may not be included in a city or town under the provisions of [7-2-4311](#) through [7-2-4314](#) and [7-2-4325](#) without the written consent of the owners of the land.

History: En. Sec. 1, Ch. 30, L. 1905; re-en. Sec. 3214, Rev. C. 1907; re-en. Sec. 4978, R.C.M. 1921; amd. Sec. 1, Ch. 52, L. 1925; re-en. Sec. 4978, R.C.M. 1935; amd. Sec. 1, Ch. 239, L. 1957; amd. Sec. 1, Ch. 238, L. 1959; amd. Sec. 1, Ch. 217, L. 1961; amd. Sec. 1, Ch. 281, L. 1967; amd. Sec. 1, Ch. 510, L. 1977; R.C.M. 1947, 11-403(part); amd. Sec. 1, Ch. 485, L. 1997.

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Montana Code Annotated - 2007

[Previous Section](#) [MCA Contents](#) [Part Contents](#) [Search](#) [Help](#) [Next Section](#)

7-2-4503. Restrictions on annexation power. Land shall not be annexed under this part whenever the land is used:

- (1) for agricultural, mining, smelting, refining, transportation, or any industrial or manufacturing purpose; or
- (2) for the purpose of maintaining or operating a golf or country club, an athletic field or aircraft landing field, a cemetery, or a place for public or private outdoor entertainment or any purpose incident thereto.

History: En. Sec. 1, Ch. 30, L. 1905; re-en. sec. 3214, Rev. C. 1907; re-en. Sec. 4978, R.C.M. 1921; amd. Sec. 1, Ch. 52, L. 1925; re-en. Sec. 4978, R.C.M. 1935; amd. Sec. 1, Ch. 239, L. 1957; amd. Sec. 1, Ch. 238, L. 1959; amd. Sec. 1, Ch. 217, L. 1961; amd. Sec. 1, Ch. 281, L. 1967; amd. Sec. 1, Ch. 510, L. 1977; R.C.M. 1947, 11-403(part).

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